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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,136	09/27/2001	Robert Lee Thompson	T00450/70025 NPF	1815

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EXAMINER

BALI, VIKKRAM

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/965,136	THOMPSON, ROBERT LEE
	Examiner Vikkram Bali	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US 6038333).

With respect to claim 1, Wang discloses: a hand held electronic security apparatus (see figure 2, the apparatus 20 identifier and management system) comprising:  
a casing, (see figure 2, numerical 20);  
a computer disposed within the casing, (see col. 4, lines 18-21, the analysis system is read as the "computer" as claimed); and  
a storage medium communicating with the computer, the storage medium including a database of identifying information of at least one individuals, (see col. 4, lines 22-24, wherein the profile database is read as the "storage medium" that includes a "database" as claimed), wherein the computer compares the identifying information of the individual with the identifying information stored in the storage medium, (see col. 3, lines 55-61,

wherein, the analysis system extract the face feature and match the feature to the data base); as claimed.

With respect to claim 2, he further discloses: the identifying information includes at least one of the image of an individual, (see col. 3, line 57-58, the face feature is read as "image of an individual" as claimed), as claimed.

With respect to claim 3, he further discloses: a camera coupled to the computer and adapted to obtain an image of the individual, (see col. 5, lines 18-22, wherein, the input/output system includes a camera and also see col. 3, lines 51-53, wherein, the input/output systems connected to the analysis system i.e. "computer" as claimed), as claimed.

With respect to claim 4, he further discloses: a display coupled to the computer and adapted to display the image, (see col. 5, lines 14-18, wherein, the input/output system includes a display that displays the input face image and also see col. 3, lines 51-53, wherein, the input/output systems connected to the analysis system i.e. "computer" as claimed), as claimed.

With respect to claim 6, he further discloses: the computer includes image recognition software for use in comparing the image of the individual to a database of stored images, (see col. 3, lines 55-61, wherein, the analysis system extract the face

feature and match the feature to the data base, and see figure 4, numerical 43 face detection system which is included in the analysis system and col. 6, lines 14-22, specifically lines 20-22, wherein the component 43 i.e. face detection system is implemented by "software", hardware, and function ware), as claimed.

With respect to claim 7, he further discloses: the image is at least one of a facial image, a hand image, a fingerprint, and an eye image, (see col. 3, line 57-58, the face feature is read as "facial feature" as claimed), as claimed.

With respect to claim 8, he further discloses: the camera is constructed and arranged to reduce a likelihood of being detected, (see figure 3B, numerical 23 camera aperture only the camera is within the apparatus "reduce a likelihood of being detected"), as claimed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6038333) in view of Musgrave et al (US 6377699).

With respect to claim 5, Wang discloses the invention substantially as disclosed and as described above for claim 1. However, he fails to disclose: the apparatus is adapted to communicate with a remote location to at least one of transmit and receive identifying information, as claimed. Musgrave teaches: the apparatus is adapted to communicate with a remote location to at least one of transmit and receive identifying information, (see col. 4, lines 8-9 and lines 14-16, wherein a cellular telephone “apparatus adapted to communicate” that includes a iris “identifying information” imaging system in order to secure the use of the cellular telephone) as claimed.

Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references, as they are analogous because they are solving same problem of identifying the individuals. The teaching of Musgrave to transmit the identifying information (see col. 7, lines 60-62) to perform the comparison and transmit back the authorization to the hand held apparatus can be combined to the system of Wang as Wand suggests to have an I/O device such as modem for the network communication (see col. 5, lines 45-48) is straightforward. The motivation of doing this will provide a fraud free system (see col. 4, lines 14-15 of Musgrave).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali  
Examiner  
Art Unit 2623

vb  
September 10, 2002